

ENTERED

June 18, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

DENNIS RAY HUNT, JR.,

Plaintiff,

VS.

BRYAN E FLORES, *et al.*,

Defendants.

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CIVIL ACTION NO. 2:25-CV-00023

ORDER ON MEMORANDUM AND RECOMMENDATION

Pending before the Court is Plaintiff Dennis Ray Hunt, Jr.'s civil rights action pursuant to 42 U.S.C. § 1983, alleging claims of excessive force, deliberate indifference, and retaliation. D.E. 1. On March 31, 2025, United States Magistrate Judge Jason B. Libby issued his Memorandum and Recommendation (M&R) that recommends dismissal of Plaintiff's claims with prejudice as frivolous and/or for failure to state a claim under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1), and recommends that this dismissal constitute a "strike" under § 1915(g). D.E. 15, p. 1. Plaintiff was provided proper notice of, and opportunity to object to, the Magistrate Judge's M&R. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. Despite Plaintiff's untimely filing of his objections on April 21, 2025, (D.E. 17), the Court considers Plaintiff's objections.

A district court that refers a case to a magistrate judge must review de novo any portions of the magistrate judge's proposed findings and recommendations on dispositive matters to which the parties have filed specific, written objections. FED. R. CIV. P. 72(b).

The district court may accept, reject, or modify, in whole or in part, those portions of the proposed findings and recommendations. *Id.* Objections must point out with sufficient particularity any alleged error in the magistrate judge's analysis; otherwise, they do not constitute proper objections and will not be considered. *Id.*; *Malacara v. Garber*, 353 F.3d 393, 405 (5th Cir. 2003); *see Edmonds v. Collins*, 8 F.3d 290, 293 n.7 (5th Cir. 1993) (finding that right to de novo review not invoked when petitioner merely re-urges arguments contained in original petition).


Plaintiff offers four main arguments that purport to be objections. However, his objections only reassert conclusory statements that fail to address the substance of the Magistrate Judge's analysis and recommendation.¹ Because these arguments lack sufficient particularity as to any alleged error in the M&R, they do not constitute proper objections. Further, the Magistrate Judge addressed each of Plaintiff's arguments that Plaintiff now reintroduces in his objections. Each objection is **OVERRULED**.

Having reviewed the findings of fact, conclusions of law, and recommendations set forth in the Magistrate Judge's M&R, as well as Plaintiff's objections and all other relevant documents in the record, and having made a de novo review of the portions of the Magistrate Judge's M&R to which objections were specifically directed, the Court **OVERRULES** Plaintiff's objections and **ADOPTS** as its own the findings and

¹ Plaintiff first objects that being given multiple disciplinary citations by one official after filing grievances to the prison administration constitutes retaliation. D.E. 17, p. 1–3. Plaintiff next objects that he was involved in no circumstances that warranted use of force against him, and as such any use thereof was unnecessary. *Id.* at 3–4. He also objects on another ground that the prison administration falsified documents, and its departure from administrative policy and procedure is evidence of retaliation. *Id.* at 4. Last, he objects that the failure to conduct medical evaluations subsequent to deploying chemical agents, pursuant to established procedure, constitutes deliberate indifference to Plaintiff's health and safety. *Id.*

conclusions of the Magistrate Judge. Accordingly, the Court **DISMISSES with prejudice** each of Plaintiff's § 1983 claims, and **INSTRUCTS** the Clerk of Court to send notice of this dismissal to the Manager of the Three Strikes List for the Southern District of Texas.

ORDERED on June 18, 2025.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE